

DATE OCT. 28, 2009Maura McNeil
ASST. TOWN CLERK, ACTON

Minutes for CPC Meeting of 9/23/04, 7:40 pm-9:30 pm, Acton Town Hall

Attending: Peter Berry, Catherine Coleman, Nancy Tavernier, Walter Foster,
Stacy Rogers, Susan Mitchell-Hardt, Andy Magee, Roland Bartl

Absent: Bob Coan, Matt Lundberg

Audience: Bill Mullin, Anne Forbes, John Ryder, Josh Chernin, Anne Fanton, Anne Forbes, Laurence Ullmann, Dore Hunter, Ken Sghia-Hughes, Tom Michelman, Michaela Moran, Raoul Smith, Terra Friedrichs, Tom Dunn...

**Public Informational Hearing on the Needs, Possibilities and Resources of
Acton Regarding Community Preservation Possibilities and Resources**

1. INTRODUCTIONS

Each Committee member introduced him/herself.

2. COMMENTS BY THE CHAIR

Peter Berry, Chair of the CPC, commented that this Public Informational Hearing on the needs, possibilities and resources of Acton... is required by the statute. He indicated that Mimi Herington will shortly depart her position on the CPC as Associate Member. He encouraged interested parties to apply for the position.

Peter reminded the public that the Town is beginning the second round of CPA funding since it adopted the Act. Peter quickly reviewed the Act. The Bylaw states that in each fiscal year, the Committee shall recommend spending, or setting aside for later spending, not less than 10% of the annual revenues in the CP Fund for each of open space, historic resources, and community housing. Peter remarked that the Committee expects 100% state match from the Massachusetts Community Preservation Trust Fund. The fund results from surcharges on filings at the Registry of Deeds and Land Court. The Committee expects to have approximately \$1 million available for CP funding recommendations for the Spring Annual Town Meeting.

- Peter encouraged people to pick up a copy of the CP Plan at this hearing or at the Planning Dept. and to visit the town website which has a link to the CPC.
- Between now and 11/12, the deadline for accepting CP proposals, the Committee is available to answer questions. Please contact the Town Planner re: questions about the application process, etc.
- Please submit the application by 11/12 after which applications will be screened for meeting initial criteria. There will be scheduled meetings between Nov. and Feb. to get more information before taking a final vote to get the projects on the Town Meeting Warrant in order to request a Town Meeting appropriation.

3. PUBLIC INPUT

Anne Fanton expressed concern about the amount set aside for open space purchase and questioned what provisions are in place for purchasing a property which becomes available without a long lead time. She commented that many people voted for the CPA with the intent of purchasing a prime open space property. She is concerned that if only \$200,000/year is allocated to open space that the town will need to pass an override to make up the difference, which is difficult to do.

Anne suggested that in some years the funds could be awarded 10%:10%:80% or 10%:10%:10%:70% though not necessarily each year.

She asked what happens if a 61A or 61B parcel comes before the Selectmen outside of the application process, such as in February. She questioned who would apply? Her assumption was that the Acton Conservation Trust would be the most likely applicant.

Comments by Committee Members:

Last year the Committee had the possibility of awarding \$944,000. The value of requests far exceeded that number. The Committee struggled with requests for worthy projects. In addition, the statute requires funding 10% for each of the three funding areas.

Peter pointed out that land is so expensive that one can't rely on one funding source but must patch together funds from multiple sources; \$200,000 could be one piece.

- \$200,000 was 20% of what was available. It's a start.
- Re: the 61A process; \$200,000 is in the open space reserve fund. The Committee must go back to Town Meeting to appropriate it. A P&S could be signed contingent on Town Meeting approval.
- The Plan allows for taking something off schedule. The Committee may exercise discretion in the event of an opportunity with a short time horizon.
- There are options besides large purchases such as purchasing a CR, which cost might cost \$20,000/acre
- Through bonding against future surcharges and matching fund revenue, a multimillion dollar property could be purchased.

Tom Michelman, citizen representative of the Friends of the Bruce Freeman Rail (BFRT) Trail.

-Tom expressed concern that town staff may be shorthanded and need help in starting the grant application for CPA funds for the BFRT; He wanted to know if it would be possible to use CPA funds to hire a consultant to begin the application process, and to help seek out other grant money.

Comments by Committee Members:

- Applying for federal funds and the state match is a complex and long process with which the town is familiar. It would be possible to fund someone full time to speed the process.
- The upkeep and care of the project will fall to the Town. Donated time or participation will be coordinated through town staff as well.

Tom is concerned that applying for federal funds is a long process, and town staff's time is at a premium. He questioned if it's appropriate to apply for \$20,000 to hire a consultant to jump start the application process.

Reply: It was agreed that such a funding award would be helpful.

Bill Mullin, representing Friends of Leary Field (FOLF), updated the Committee on their activities since late last year. Last year they had asked for \$550,000 awarded toward constructing the field. This year they are asking for \$250,000 from CPA funds. FOLF is now a 501C3, incorporated. They have strategized for 6 weeks. They are now seeking \$250,000 in donations from private citizens, \$250,000 from school resources, and \$250,000 from CPA funds.

- Last year their proposal didn't meet eligibility. Town Counsel has found the new FOLF proposal to be eligible. They are creating something new in terms of recreation space as well as acquiring additional Recreation opportunities. The field will go from being used on average 50 times/year to 250 times per year. from 2 hrs/day to 14 hours/day. They have \$96,000 in the bank, pledges of \$162,000. They haven't started fund raising.

The applicant is the Region; FOLF will represent them. 60 people are working on this project. 30 meet every Sunday night. They have broad support and expect a ripple effect on open space.

Re: their fundraising strategy, they go to organizations such as AB Friends of Music, which shows it's not just about sports.

- They go to organized sports teams, leagues, soccer, Pop Warner, Colonial club, lacrosse youth league, etc.
- They have identified 90 people in town as high donors ranging from less than \$1000 to greater than \$5000. People are stepping up.
- FOLF wants to avoid bonding as there is a political price to pay.

Peter Berry commented that over the last year the Committee learned by trial and error. The Committee waited too long to have Town Counsel vet proposals. This year the Committee will get the proposals to Town Counsel earlier in order to learn about any potential problems.

There was an issue with the Housing Authority project trying to purchase some units. A purchase was held up; DOR came back with a favorable decision.

- The T.J. O'Grady Skate Park, a private entity, was funded with private and public funds. The private funds were also subject to public bid laws which was a surprise. It slowed getting the projects off the ground. This year the Public Bid process is outlined in the CP Plan.

Terra Friedrichs is interested in applying for CP funds to hire a planning assistant for the Town Planner so that he can support community preservation and preservation of town character, etc.

She would like to see a CP grant spent to survey the town to find out the town's vision; on what does the town want to spend? Is FOLF important or not? She would like funds to be used to develop a concept for what is town character. For example, Weston and Sudbury have books of suggested designs.

Anne Forbes representing the HDC: The HDC sent the Committee comments on the CP Plan which they would have liked to see incorporated; however, to their dismay, they discovered that the Plan was finalized.

She urged that a Public Hearing be held on the draft plan. This was not meant as a criticism. It is difficult to keep up with schedules especially for town boards who are not represented on the Committee. Also they are bound by open meeting law to not discuss such things as priorities, etc. until they hold a scheduled meeting. There was no time to meet or discuss.

- It was suggested that a rep from the HDC apply for the open Associate Member position as an opportunity to broaden representation.

Dore Hunter stated that the BoS are submitting a request for \$1000 to replace the Francis Faulkner Historical Plaque whose purpose is to honor and educate the citizenry about Acton's longest serving Selectman. He served from 1760-1796. Such a plaque had been installed in the Northwest Room of what was then the new Acton High School building. Unfortunately later on the artifacts were stripped from that room and disappeared when the building was converted to an elementary school.

Michaela Moran

She wants to highlight the need to preserve smaller parcels of land in the S.A. Village District as well in Acton Center in order to preserve town character. In S. Acton there are 10-15 small parcels which could be heavily developed; Some 2 acre parcels abut Great Hill. Due to being in the sewer district and the increasing popularity of 40B's village character loss is a serious threat. There are also small parcels in Acton Center near the arboretum and meeting house.

Comments by Committee Members:

The Committee referenced town documents such as the Master Plan, "To Live in Acton," the OSRP, etc. in order to explicate town goals, character, etc. Applications requesting funds to purchase small parcels are welcome; they are

required to meet the application process criteria. The emphasis is to have multiple disciplines on one parcel such as a combination of historic preservation (including historic landscape preservation) and/or affordable housing.

- This committee isn't limited by board requests; private citizens may initiate applications
- Feasibility is an issue; last year an application came in to purchase a property that wasn't for sale.
- Susan mentioned the possibility for joining with the Acton Conservation Trust to help implement their Neighborhood Advocacy Program where with your assistance the Trust will help facilitate a meeting of neighbors holding oversized lots. At the meeting a representative from the Trust will make the case for putting a conservation restriction on an oversized lot(s), especially if they abut conservation land and/or encourage neighbors to jointly purchase a lot or lots in order to control development in an effort to preserve village character.
- The OSRP has identified all vacant parcels and ranked them according to habitat value, recreation value, scenic value, etc. Some parcels are small. The Historical Commission might use this list when considering possible parcels.

Michaela commented on behalf of Iron Work Farm, an historic preservation organization which owns the Faulkner House and Homestead and the Jones Tavern. She would like to bring an application for funding to reconstruct all the masonry on these properties. They have a preservation restriction in place.

Stacy Rogers will be the liaison with the HDC which will be represented by Brian Bendig or Michaela Moran.

Anne Forbes had questions about the Public Bid Law: How can an applicant submit authorized estimates before the public bidding process comes in? If the project is funded and it goes into the public bid process what happens if the bids come in different?

Peter Berry replied that the Town Manager is requested to appropriate what the application requested or less if the Committee reduced it. You may build in a 10% contingency.

- The section on Public Bid Law is a new section in the plan.
- The Committee will work with the applicant to make sure the numbers are fully vetted.
- If a project has an extra funding source, a case can be made for building in a contingency fee from the matching funds rather than the CP funds.
- If Iron Work Farm puts in money, it's still subject to public bid.

Raoul Smith, Treasurer of the Acton Historical Society, indicated that they need storage facilities for artifacts. He wondered if this type of request would be eligible for CPA funding.

Reply: He should check with the state wide CP Coalition as they are familiar with all projects across the state.

- The Town of Bedford has the longest track with allocating CP funds including having funded a host of historic preservation projects. Their CPC is worth calling.
- The flag preservation project passed Town Counsel's review. Roland felt the defining difference which made the flag eligible was that it will be displayed in a historic building annex in a historic district.
- Another potential issue is that the Historical Society is not a public entity; it may be interpreted that if the materials are preserved for private storage and/or display, the action might not meet the definition of private benefit.

Bill Mullin commented on the public bid law as it impacts FOLF. FOLF's goal is for FieldTurf to be installed by Sept. '05. The contractors need to begin work in 6/05. It takes one month to negotiate a contract. By 4/1 they must

plan to open bids from contractors. The contractors needs time to respond. Documents need to get to boards in 1/05. They need a survey by a landscape architect done in Oct., and it's now Sept. Last week the Region issued a public bid project to hire a landscape architect and engineer. They will open and read the bids on Oct. 8. FOLF will fund the work out of pocket without knowing if the jig saw puzzle pieces will come into place. They will have to bear risks.

Peter Berry commented that the cycle is difficult. Money appropriated in the spring is from FY04; the receipts are certified by DOR in October.

Nancy Tavernier commented that she heard from Jane Schurtleff about Habitat for Humanity. They are preparing a proposal for \$35,000 to be matched by local fundraising. Jane's contact is Nancy Tavernier of the ACHC. (They need help with site selection).

Tom Dunn of the Library Trustees had a question about the procurement process. Does the library need one bid or all 3 or 4? Re: the flag project they chose the sole bidder capable of doing the project.

Roland commented that if the amount allocated is below \$5000, one bid is sufficient. If the allocation is between \$5,000-\$25,000, 3 bids are necessary. If the allocation is greater than \$25,000, one must do an RFP and post it. (The Davis Monument was allocated \$50,000. Bids came in the range from \$39,000 to \$92,000). When we have a public project, the prevailing wage law applies. Peter B. commented that it's helpful to see bids from contractors. You can give us 3 bids now in anticipation of an appropriation in April. You may need 3 new bids later on as the price may change. Tom was encouraged to come to meetings, to email the Committee or call Roland with questions.

Approve Minutes of September 9:

The Committee agreed to defer voting on the draft minutes until next meeting when hard copies are available.

Willow Street Funding Reallocation

Nancy Tavernier requested that \$25,000 be reallocated from the 214 Central and 28 Willow Street Feasibility Study to the Community Housing Fund. She didn't intend to earmark the \$25,000 for the Willow St/Central St. project. The point is to remove it from a specific use and put it into a general Community Housing Fund.

As the ACHC explained in their memo of 9/3/-4 to the CPC, the ACHC received funding of \$25,000 from the DHCD for the identical activity - to determine what kind of housing development would be feasible at Willow/Central.

Walter moved that the the following language in the Warrant Article re: Reallocation of Community Preservation Funds" be removed, (3rd line) "ACHC's 214 Central and 28 Willow Street Affordable" and that "Community" be inserted before "Housing Fund..." and that the last sentence in the Summary, "The reallocated funds would be used at the 214 Central and 28 Willow Street project" be taken out.

Andy seconded it, and it passed unanimously.

Project Liaisons

Matt Lundberg gave a summary on the T.J. O'Grady Skatepark at the CPC meeting of 9/9. The project liaisons will keep in touch with his/her group and keep getting information.

Communications:

The committee will continue to promote that the CP Plan is available, encourage people to apply for funding, and put notices in the Beacon, Cable TV, etc.

Action: Agenda item for next time is to discuss the process of taking input to the CP Plan.

Town Administrative Fees:

Peter updated the Committee by email.

Appropriate Verification

The town provided verification of administrative fees last year with which Peter is comfortable.

Respectfully submitted:

Susan Mitchell-Hardt